

Senate Bill 114

By: Senators Harbison of the 15th, Harp of the 29th, Douglas of the 17th and Seay of the 34th

AS PASSED

AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to define certain terms; to provide for applicability; to provide for the transfer of students who are military dependents into a local school system; to provide for placement; to provide for a waiver of course prerequisites; to provide for additional excused absences for certain students; to provide for eligibility for enrollment; to provide for on-time graduation; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by adding a new article to read as follows:

"ARTICLE 34

Part 1

20-2-2130.

As used in this article, the term:

- (1) 'Active duty' means full-time duty status in the active uniformed services of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211.
- (2) 'Child of military families' means a school-aged child, enrolled in kindergarten through grade 12, in the household of an active duty member.
- (3) 'Deployment' means the period one month prior to the service members' departure from their home station on military orders though six months after return to their home station.

(4) 'Educational records' means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

(5) 'Extracurricular activities' means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

(6) 'Local education agency' means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through grade 12 public educational institutions.

(7) 'Sending state' means the member state from which a child of a military family is sent, brought, or caused to be sent or brought.

(8) 'State' means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other United States territory.

(9) 'Student' means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through grade 12.

(10) 'Transition' means:

(A) The formal and physical process of transferring from school to school; or

(B) The period of time in which a student moves from one school in the sending state to another school in the receiving state.

(11) 'Uniformed services' means the Army, Navy, Air Force, Marine Corps, Coast Guard, Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

(12) 'Veteran' means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

20-2-2131.

(a) Except as otherwise provided in subsection (b) of this Code section, this article shall apply to the children of:

- (1) Active duty members of the uniformed services as defined in Code Section 20-2-2130, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;
 - (2) Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
 - (3) Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.
- (b) The provisions of this article shall not apply to the children of:
- (1) Inactive members of the national guard and military reserves;
 - (2) Members of the uniformed services now retired, except as provided in subsection (a) of this Code section;
 - (3) Veterans of the uniformed services, except as provided in subsection (a) of this Code section; and
 - (4) Other United States Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Part 2

20-2-2140.

In the event that official education records cannot be released to the parents or legal guardian for the purpose of transfer, a local school system shall accept a complete set of unofficial educational records prepared by the sending school and furnished to the parent or legal guardian. Upon receipt of such unofficial education records, the local school system shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible. Simultaneously with the enrollment and conditional placement of the student, the local school system shall request the student's official education record from the school in the sending state.

20-2-2141.

Local school systems shall give 30 days from the date of enrollment for students to obtain any immunization required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days.

Part 3

20-2-2150.

Students shall be allowed to continue their enrollment at grade level in the local school system commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

20-2-2151.

When the student transfers before or during the school year, the local school system shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school or educational assessments conducted at the school in the sending state, if the courses are offered. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. Nothing in this Code section shall preclude the local school system from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in any course.

20-2-2152.

The local school system shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in similar programs in the sending state. Such programs include, but are not limited to:

- (1) Gifted and talented programs; and
- (2) English as a second language.

Nothing in this Code section shall preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

20-2-2153.

Local school systems shall have flexibility in waiving course or program prerequisites or other preconditions for placement in courses and programs offered by the local school system.

20-2-2154.

A local school system may grant additional excused absences to a student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, so that such student may visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

Part 4

20-2-2160.

(a) Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

(b) A local school system shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

(c) A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

20-2-2161.

Local school systems shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

Part 5

20-2-2170.

In order to facilitate the on-time graduation of children of military families, states and local school systems shall incorporate the following procedures:

- (1) Local school systems shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local school system shall provide an alternative means of acquiring required course work so that graduation may occur on time;
- (2) Local school systems shall accept exit or end-of-course exams required for graduation from the sending state, national norm-referenced achievement tests, or alternative testing in lieu of testing requirements for graduation in this state; and
- (3) Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the local school system shall coordinate with the sending local education agency to ensure the receipt of a diploma."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.